

REMARKS

The present Amendment is in response to the Notice of Non-Compliant Amendment Under 37 CFR § 1.121 dated November 7, 2003 for the Amendment filed October 30, 2003. The Office considered the Amendment filed October 30, 2003 non-compliant because the Amendment did not include the text of all the claims that were previously cancelled. Enclosed herein is a copy of the text of all the claims including the previously cancelled claims. Applicant respectfully submits that no new matter has been added and that the present listing of all the claims complies with 37 CFR § 1.121 as set forth in the Notice of Non-Compliant Amendment.

Accordingly, Applicant respectfully submits that the Amendment filed on October 30, 2003 is hereby in compliance. Applicant also respectfully requests that the arguments in the Amendment filed October 30, 2003 should be considered.

Applicant also notes, however, that the revised Notice of REVISED FORMAT OR AMENDMENTS (dated February 13, 2003 see enclosed copy) mailed by the Patent and Trademark Office with all responses explaining the revised amendments format states, in relevant part, "Cancelled and withdrawn claims should be indicated by only the claim number and status." (Emphasis added.) Furthermore, in the

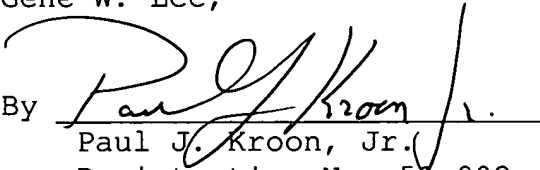
"Example of listing of claims" section of the same notice, the text for the cancelled claims is not included. Accordingly, Applicant respectfully requests that the Patent and Trademark Office clarifies whether the text of the withdrawn and cancelled claims should be included per the present Notice of Non-Compliant Amendment or should not be included per the revised Notice of REVISED FORMAT OR AMENDMENTS since there is, at best, ambiguity between what the Office is requiring and the information provided by the Office.

Because of this ambiguity, Applicant believes that no additional fees are required with this Amendment. If a fee is required, however, the Office is authorized to charge the Deposit Account No. 02-3285 for any fees associated with this response.

Respectfully submitted,

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